IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5592 of 2007()

CRLMC.848/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CRIME NO.599/07 OF VATAKARA POLICE STATION

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PETITIONER: ACCUSED NO.2

JAMSHEER,S/O. SHAMEER,
AGED 22 YEARS, VAZHAKOYILOTH HOUSE,
NADAKUTHAZHA AMSOM,VATAKARA TALUK.

BY ADV. SRI.PULIKKOOL ABUBACKER
SRI.ZUBAIR PULIKKOOL

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR POLICE
VATAKARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 5592 of 2007

Dated this the 18th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether, there are two accused persons. The accused persons face allegations under Sec.401 of the IPC. The crux of the allegations against the petitioner is that he along with the co-accused was found under suspicious circumstance near a bar at about 3.20 a.m. on 29/7/07. The accused persons were unable to account for their presence. It is, in these circumstances, that the allegation under Sec.401 of the IPC has been raised against the accused persons. The petitioner has no criminal antecedents. The co-accused/1st accused, it is submitted, has criminal antecedents.

2. The learned counsel for the petitioner submits that the petitioner has been arrested on the basis of unsubstantiated suspicion and, at any rate, the petitioner, who has remained in custody from 29/7/07, may now be enlarged on bail.

3. The learned Public Prosecutor does not oppose the prayer; but only submits that appropriate conditions may be imposed in the interests of a proper and efficient investigation.

4. I am satisfied, in the circumstances referred above, that the petitioner can now be enlarged on bail subject to appropriate conditions.

5. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. to Judge